

DEC 6 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Hank Martin
Principal
Environmental Liability Management, Inc.
218 Wall Street, Research Park
Princeton, New Jersey 08540-1512

Re: BASF Corporation, 50 Central Avenue, Kearny, NJ
Notification of Self-Implementing PCB Cleanup

Dear Mr. Martin:

This letter is in response to your letter dated October 4, 2005 regarding the above referenced property, which provided notice of your plans for a self-implementing cleanup and disposal of PCB remediation waste. This Region had previously responded, by letter dated October 19, 2005, requesting additional information. That information was provided in your letter dated October 21, 2005. Your October 4 and 21, 2005 letters will be referred to collectively as your notification.

The notification for self-implementing PCB remediation addresses two areas totaling 2,000 ft² of the 27-acre property. In these two areas, PCBs have been identified in the soil at concentrations ranging from slightly above 50 parts per million (ppm) to 100 ppm, with the highest concentrations found in the 2' to 4' soil interval.

The remediation plan includes excavation of all soil located above the water table (approximately 4 feet in depth) in these two areas, and off-site disposal in an approved PCB disposal facility. Remaining PCB concentrations will range from 50 ppm to 60 ppm. Post-excavation verification sampling will be conducted to confirm that all soil containing PCBs in excess of 100 ppm has been removed. The sampling scheme proposed in your notification is acceptable. After the soil is removed, the excavation will be filled with a compacted soil cap and a Deed Notice will be established for the entire site.

The property is scheduled for redevelopment as a warehouse and distribution center. The areas which are the subject of your notification are outside the development planned for the site, and there will be no occupancy of these two areas following remediation.

This planned future use of the two PCB remediation areas would meet the definition of *low occupancy area*, as per 40 C.F.R. § 761.3. The self-implementing cleanup level, specified at 40 C.F.R. § 761.61(a)(4) for capped, bulk PCB remediation waste allowed to remain on site in low occupancy areas, is > 25 ppm and ≤ 100 ppm.

We find your plans to be in conformance with the requirements for self-implementing on-site cleanup and disposal of PCB remediation waste. Note that the cap must meet the requirements specified in 40 C.F.R. § 761.61(a)(7) and (a)(8), including the requirement that any person designing and constructing a cap must do so in accordance with 40 C.F.R. § 264.310(a). Also note that, within 60 days of completion of the cleanup activity, you must make a notation on the deed, and you must submit a certification to the this office that the deed notation has been recorded.

If you have any questions please contact Mr. Kenneth Stoller or Ms. Vivian Chin, of my staff, at (732) 321-6765 or (732) 906-6179, respectively.

Sincerely,



Alan J. Steinberg
Regional Administrator

bcc: Vivian Chin, DECA-PTSB